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Attorneys for Plaintiff  
**NICOLE DART**

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

NICOLE DART,

Case No. C09-0559 PJH

**Plaintiff,**

VS.

## **JOHN MUIR HEALTH, a California Corporation,**

**STIPULATION AND ORDER FOR  
DISMISSAL OF COMPLAINT FOR  
DAMAGES**

**Defendant.**

## **STIPULATION**

WHEREAS Plaintiff filed the subject lawsuit on June 19, 2008, in the Superior Court of the State of California in and for the County of Contra Costa, Case No. C08-01604; and

WHEREAS Defendant removed this lawsuit to the United States District Court, Northern District of California, on February 6, 2009, and the lawsuit has since been designated Case No. C09-0559 PJH; and

WHEREAS Defendant and Plaintiff have entered into an agreement to resolve this

1 lawsuit (the "Agreement");

2 It is hereby stipulated by and between Plaintiff NICOLE DART, and Defendant JOHN  
3 MUIR HEALTH, through their attorneys of record, as follows:

4 1. Plaintiff's Complaint for Damages is to be dismissed with prejudice;  
5 2. In accordance with the Parties' Agreement, each party shall bear their own  
attorney's fees and costs.

6 SO STIPULATED.

7 DATE: August 3, 2009

FOLEY & LARDNER LLP  
JOHN DOUGLAS  
KRISTY KUNISAKI

10 By: /s/ John H. Douglas  
11 JOHN H. DOUGLAS  
Attorneys for Defendant John Muir Health  
A California Corporation

13 DATED: August 3, 2009

14 LAW OFFICES OF SOHNEN & KELLY

15 By: \_\_\_\_\_  
16 Patricia M. Kelly  
Attorneys for Plaintiff  
Nicole Dart

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3 **ORDER**

4 Upon reading the foregoing stipulation and good cause appearing:

5 IT IS ORDERED THAT:

6 1. The Complaint for Damages filed by Nicole Dart against John Muir Health on  
7 June 19, 2008, in the Superior Court of the State of California in and for the County of Contra  
8 Costa, Case No. C08-01604 and removed to the United States District Court, Northern District  
9 of California, on February 6, 2009, Case No. C09-0559 PJH, is hereby dismissed with  
10 prejudice;

11 2. In accordance with the Parties' Agreement, each party shall bear their own  
12 attorney's fees and costs.

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14 DATED: August 4, 2009

15 By: \_\_\_\_\_  
16 Phyllis J. Hamilton  
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